

International Transcription Service

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Cornelia R. DeBose

APPENDIX I

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

Application by BellSouth Corporation,)	
BellSouth Telecommunications, Inc.,)	
and BellSouth Long Distance, Inc. for)	Docket No. CC-97-208
Provision of In-Region, InterLATA)	
Service in South Carolina)	

**COMMENTS OF INTERMEDIA COMMUNICATIONS INC.
IN OPPOSITION TO THE REQUEST FOR
IN-REGION, INTERLATA RELIEF**

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**Attorneys for Intermedia
Communications Inc.**

October 20, 1997

D. BellSouth's Refusal to Pay Mutual Compensation for Local Internet Traffic Renders BellSouth Noncompliant with the Interconnection and Mutual Compensation Provisions of Section 271.

Sections 271(c)(2)(B)(i) and 271(c)(2)(B)(xiii) govern BellSouth's obligations with respect to interconnection, reciprocal exchange of traffic, and mutual compensation. The record in this proceeding will demonstrate that BellSouth does not comply with these obligations.

In a letter dated August 12, 1997⁸³ BellSouth informed Intermedia that it will refuse to pay mutual compensation for local calls terminated to ISPs located on Intermedia's network. Intermedia's interconnection agreement with BellSouth contains the broad provision that "[e]ach party will pay the other for terminating its local traffic on the other's network. . . ."⁸⁴ "Local traffic" is defined as "any telephone call that originates in one exchange and terminates in either the same exchange, or a corresponding Extended Area Service ("EAS") exchange."⁸⁵ The interconnection agreement does not exclude local calls to Internet service providers, does not limit or restrict the definition of local calls or BellSouth's obligation to provide mutual compensation for them, and contains no discussion of local calls to ISPs. During the negotiations between BellSouth and Intermedia that resulted in their interconnection agreement, BellSouth never once raised the issue of excluding local calls to ISPs from mutual compensation. Similarly, to date, BellSouth has

⁸³ Letter from E.L. Bush to All Competitive Local Exchange Carriers (Aug. 12, 1997) ("Bush Letter") (attached hereto and incorporated herein by reference as EXHIBIT 10).

⁸⁴ Intermedia-BellSouth Interconnection Agreement, at 3.

⁸⁵ Intermedia-BellSouth Interconnection Agreement, at 2.

Intermedia Communications Inc.
BellSouth Telecommunications, Inc.
South Carolina

never proposed any means by which such local calls could be identified, distinguished from other local calls, and excluded from the measure of local traffic that is subject to mutual compensation.

Moreover, Intermedia has been paying mutual compensation rates for traffic that it terminates on BellSouth's network without regard to whether those calls are made to ISPs or other customers on the BellSouth network. Intermedia has reason to believe that it has in fact been paying compensation to BellSouth for calls terminated to ISPs on the BellSouth network. Indeed, the wording of BellSouth's August 12 letter suggests as much:

Every reasonable effort *will be made* to insure that ESP traffic does not appear on our bills and such traffic should not appear on your bills to us. *We will work with you on a going forward basis* to improve the accuracy of our reciprocal billing processes. The ESP category includes a variety of service providers such as information service providers (ISPs) and internet service providers, among others.⁸⁶

The BellSouth letter, therefore, strongly indicates that BellSouth has been paying--and receiving--mutual compensation for local calls to ISPs in the past, and indicates that exclusion of such traffic from mutual compensation was not the practice or the intent of BellSouth prior to August 12.

This conclusion is also supported in the testimony on the record in the Florida Section 271 proceeding. When questioned about BellSouth's current business practices, BellSouth witness Varner admitted that, when BellSouth's own customers make calls to ISPs

⁸⁶

Bush Letter (emphases added).

located on BellSouth's network, the calls are treated as local calls, and are charged at R1 and B1 rates out of BellSouth's local services tariff.⁸⁷

The fact that no discussion of excluding local calls to ISPs was ever conducted with Intermedia prior to BellSouth's August 12 letter,⁸⁸ and BellSouth's documented business practices, establish a *prima facie* case that no such restriction was contemplated by BellSouth and Intermedia at the time the interconnection agreement was signed, or during the time it was implemented. As a result, on the basis of the record in this proceeding, the Commission must conclude that BellSouth fails to meet its interconnection and mutual compensation obligations under Sections 271(c)(2)(B)(i) and 271(c)(2)(B)(xiii) of the 1996 Act. The record is *prima facie* case that BellSouth is refusing to pay mutual compensation for local traffic in violation of items (i) and (xiii) of the Competitive Checklist. Until this matter is finally adjudicated, the Commission cannot find that BellSouth meets its obligations under checklist items (i) and (xii) of the Competitive Checklist.

In addition, BellSouth's unilateral refusal to pay mutual compensation for local calls to ISPs violates the terms of the BellSouth-Intermedia interconnection agreement. The interconnection agreement negotiated between BellSouth and Intermedia--and approved by the

⁸⁷ Varner Testimony, Florida Hearing Transcript, at 339 (excerpts are attached hereto and incorporated herein by reference as **EXHIBIT 9**).

⁸⁸ It is interesting to note that only recently has BellSouth begun to assert that it is not obligated to pay mutual compensation for ISP-bound local traffic. For example, nowhere in the supporting testimony filed by BellSouth in the Georgia Section 271 proceeding was there any mention of ISP-related issues. Similarly, Intermedia is unable to find references to ISP mutual compensation issues in the supporting testimony filed by BellSouth in the Alabama Section 271 proceeding.

APPENDIX 2

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Before The
LOUISIANA PUBLIC SERVICE COMMISSION
Baton Rouge, Louisiana 70825

LOUISIANA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE HEARINGS DIVISION

EX PARTE

DOCKET NO. U-22252

**IN RE: LOUISIANA PUBLIC SERVICE COMMISSION, EX PARTE, IN RE:
CONSIDERATION AND REVIEW OF BELL SOUTH'S PREAPPLICATION
COMPLIANCE WITH SECTION 271 OF THE TELECOMMUNICATIONS ACT OF
1996. INCLUDING BUT NOT LIMITED TO THE FOURTEEN REQUIREMENTS SET
FORTH IN SECTION 271(C)(2)(B) IN ORDER TO VERIFY COMPLIANCE WITH
SECTION 271 AND PROVIDE A RECOMMENDATION TO THE FEDERAL
COMMUNICATIONS COMMISSION REGARDING BELL SOUTH'S APPLICATION
TO PROVIDE INTERLATA SERVICES ORIGINATING IN-REGION.**

**LIST OF POTENTIAL COMPLICATIONS REGARDING BELL SOUTH TELECOMMUNICATION,
INC.'S OPERATIONAL SUPPORT SYSTEMS**

NOW BEFORE THIS HONORABLE COMMISSION, comes Cox Fibernet
Louisiana, Inc. ("Cox Fibernet"), through undersigned counsel, who submits the following in
response to the Commission's Order of July 28, 1997 ("Order"). Specifically, Paragraph 4 of the
Order requests complications regarding BellSouth Telecommunication, Inc.'s ("BellSouth")
Operational Support Systems ("OSS"). A technical demonstration to address these complications
is scheduled for Wednesday, August 13, 1997.

Cox affiliates in other states have experienced serious problems with various
aspects of the OSS of other RBOCs, and anticipate some of these complications in BellSouth's
OSS. The following inquiries/requests are the direct result of such complications. Therefore, the
following inquiries/requests are both responsive to the Order and extremely pertinent to the
technical demonstration to be held on August 13, 1997. Cox Fibernet requests that all questions

herein be answered and that all requests for demonstration be additionally addressed at the August 4, 1997 technical presentation.

911 Emergency Reporting System

1. How does a CLEC put new customer entries into BellSouth's 911 database? On August 13, 1997, please demonstrate this process.
2. What kind of confirmation does the CLEC receive from BellSouth that the 911 entry has been received and put into BellSouth's database? On August 13, 1997, please demonstrate the confirmation process.
3. What are the time frame commitments for CLEC entries into BellSouth's 911 database? Does this time commitment vary with the number of entries per order? What constitutes an order? How are multiple orders in the same day treated with respect to time frames for entry into the BellSouth 911 database? Is each order given a separate time commitment or are all orders within a certain time frame treated as one order?
4. Is the time commitment for filing an order for one CLEC in one state affected by the actions of any other CLECs in the same state or in other states? What factors influence this time commitment?
5. What are BellSouth's internal commitments/standards for entry of its customers into the 911 database? What kind of internal confirmation process does BellSouth use to ensure that orders are entered correctly? Does a process such as this exist with CLEC entries? If not, why not? On August 13, 1997 please demonstrate the 911 entry and confirmation process as it applies to BellSouth.
6. Where a BellSouth NXX serves an area covered by two different Public Safety

Answering Position or "PSAP" jurisdictions, there is typically an agreement on routing these cross-jurisdictional calls. How is this information shared with CLECs? On August 13, 1997, please demonstrate how this information is accessed by BellSouth and how this information is accessed by CLECs.

Directory Listings

7. When a CLEC gives BellSouth a new directory listing for a brand new customer, how long does it take before that customer is listed in the directory/directory assistance listings? If the answer is different for directory information versus directory assistance information, so note. Does this vary with the number of entries per order? What constitutes an order? How are multiple orders in the same day treated with respect to time frames for entry into the BellSouth directory/directory assistance database (is each order given a separate time commitment or are all orders within a certain time frame). On August 13, 1997, please demonstrate how new directory listings and directory assistance listings are entered into BellSouth databases for CLEC customers.
8. Is the time commitment for filing an order for one CLEC in one state affected by the actions of any other CLECs in the same state or in other states? What factors influence this time commitment?
9. How long does it take for a BellSouth customer listing to appear in the directory/directory listings database after the customer places the order? Does this vary by the number of customers ordering during a given time frame? On August 13, 1997, please demonstrate how new directory listings and directory assistance listings are entered into BellSouth databases for CLEC customers.

10. When a CLEC gives BellSouth information on a customer requesting an unpublished number, does BellSouth require that the phone number be provided for that customer? If so, why? On August 13, 1997, please demonstrate how BellSouth ensures requests by CLECs for unpublished numbers are not published or offered to the public through directory assistance.
11. When a CLEC gives BellSouth a listing for a new CLEC customer who was formerly a BellSouth customer, what process does BellSouth go through to delete the BellSouth listing from its directory records? On August 13, 1997, please demonstrate this process.

Number Portability

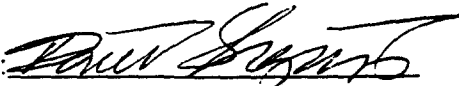
12. What is required for a CLEC to obtain a ported number from BellSouth using Remote Call Forwarding? Does BellSouth require direct acknowledgment from the customer prior to accepting the order? What time frame does BellSouth provide on the commitment to provide interim number portability using remote call forwarding? Does this vary with the number of entries per order? What constitutes an order? How are multiple orders in the same day treated with respect to time frames for entry into the BellSouth directory/directory assistance database (is each order given a separate time commitment or are all orders within a certain time frame) treated as one? On August 13, 1997, please demonstrate how a CLEC obtains a ported number from BellSouth using Remote Call Forwarding.
13. Is the time commitment for filing an order for one CLEC in one state affected by the actions of any other CLECs in the same state or in other states? What factors influence this time commitment?

14. What is BellSouth's time frame for providing local Remote Call Forwarding to a BellSouth customer? On August 13, 1997, please demonstrate how BellSouth obtains a ported number from BellSouth using Remote Call Forwarding.

Ordering

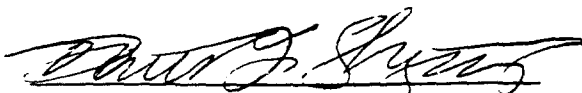
15. When a facilities-based CLEC orders interconnection facilities (e.g. ports) from BellSouth (assuming that it is already collocated), what are BellSouth's commitment time frames? What automated system exists for ordering and providing Firm Order Commitment dates?

Respectfully submitted,
**GORDON, ARATA, MCCOLLAM &
DUPLANTIS, L.L.P.**

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Counsel for COX FIBERNET LOUISIANA, INC.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served on all counsel of record by depositing same in the United States Mail this 4th day of August, 1997.


DANIEL J. SHAPIRO

APPENDIX 3

LOUISIANA PUBLIC SERVICE COMMISSION
MINUTES FROM AUGUST 20, 1997
OPEN SESSION

MINUTES OF AUGUST 20, 1997 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN BATON ROUGE, LOUISIANA. PRESENT: CHAIRMAN DON OWEN, VICE CHAIRMAN IRMA MUSE DIXON, COMMISSIONERS C. DALE SITTIG, JAMES M. FIELD AND JACK "JAY" A. BLOSSMAN, JR., ALONG WITH SECRETARY LAWRENCE C. ST. BLANC.

Open Session of August 20, 1997 convened at 9:10 A.M., adjourning at 12:00 P.M. in the Marshall Burton Brinkley Auditorium, 16th Floor, One American Place, Corner of North and Fourth Streets, Baton Rouge, Louisiana with the above-named members of the Commission and Secretary Lawrence C. St. Blanc.

- T-22411 - Louisiana Public Service Commission Vs. Dewey & Sons Towing (Alexandria, Louisiana). In re: Alleged violation of Title 45, Chapter 4 of the Revised Statutes of 1950, Sections 163.1 & 194, as amended, by failing to identify motor vehicles being operated in interstate commerce in Louisiana as required by the Commission's General Order dated September 7, 1972, as amended.

This matter was considered on the Commission's summary docket. On motion of Commissioner Owen, seconded by Commissioner Field, and unanimously adopted, the Commission voted to accept the Staff recommendation and find the Company guilty of failing to register under the Single State Registration Program and guilty of failing to have the required SSRS Receipt in the vehicle and fined it in the amount of \$500.00, and ordered the \$500.00 appearance bond posted being forfeited as payment in full for the violation.

- T-22462 - Louisiana Public Service Commission Vs. R. Floyd Edwards d/b/a Magic Movers (Greenwell Springs, Louisiana). In re: Alleged violation of Title 45, Chapter 4 of the Revised Statutes of 1950 as amended, by operating for-hire by motor vehicle without authority of the Commission.

This matter was considered on the Commission's summary docket. On motion of Commissioner Owen, seconded by Commissioner Field, and unanimously adopted, the Commission voted to accept the Staff recommendation and find the Company guilty of operating intrastate without authority of the Commission in the transportation of household goods for-hire and fined it in the amount of \$250.00, with said fine being suspended due to this being the first violation of the company, and contingent upon no further violations within a six month period following the Commission's Order.

(UNINTELLIGIBLE) provision of Section 1.7 of the bonafide request process contained in attachment B to read as follows: If at any time an agreement cannot be reached as to the terms and conditions or the price of the request or if BellSouth responds that it cannot or will not offer the requested item in the bonafide request and the CLEC deems the item essential to its business operations and deems BellSouth's position to be inconsistent with the Act, the FCC or Commission regulations and all requirements of this section, the CLEC shall have the right to petition the Public Service Commission or any other court agency of competent jurisdiction to resolve the item or items of disagreement. Third, that BellSouth's statement, as modified, satisfies the 14 point check list in 47USC271(c)(2)(b). Fourth, because of the 8th Circuit's ruling issued after the close of the period for comments in this docket, any parties may file comments within 10 days on the statement as modified herein as it relates to the 8th Circuit ruling only. Our general counsel should bring any other required SGAT modifications limited to those necessitated by the 8th Circuit Court ruling back to the Commission for approval at our September meeting which is moved to October 1st. Fifth, that the Commission finds that BellSouth long distance entry into the interLATA long distance market in Louisiana is in the public interest and, finally, the Commission directs general counsel and the legal division to prepare the order consistent with the Commission's ruling within 10 days.

CHAIRMAN OWEN: That's a motion. Do we have a second?

COMMISSION SITTIG: I'll second it.

CHAIRMAN OWEN: We have a motion; we have the second. Any discussion?

COMMISSIONER FIELD: I just have a couple of comments. You know, contrary to my wishes,

the technical conference that was held, and I'm very sorry I was unable to attend because of my

health at that time. That really wasn't part of the record, and I understand there wasn't cross-

1 reciprocal compensation agreements have come forth. Many barriers to entry have been removed,
2 and we're still in the process of doing a lot of those things to make things happen. I think we're
3 interested in stimulating incentives for network innovation and investments. I think we're
4 interested in the public interest. If you're going to refer to the technical conferences that we had;
5 people had an opportunity to come before the Commission for the benefit of the Commission so
6 that we could see certain things. Once we saw everything that needed, actually in our minds were
7 satisfied, then the conference was ended and we told people that they could submit other things in
8 writing. I think that enforcement and monitoring will be the job of the PSC. If we never start,
9 we'll never get out there to really get competition in our state. I'm one Commissioner, along with
10 others, that are interested in high quality service, full competition. That will, hopefully, ensure
11 low pricing and better services for people. I think that once things start getting stimulated, it will
12 be fully in the public interest, and I think the actions that we are taking today will get this process
13 started. So, I'm at least pleased that we are looking to do something for the public of Louisiana.
14 Thank you, Mr. Chair.

15 CHAIRMAN OWEN: Any further discussion? I'll call it to a vote. Commissioner Blossman?

16 COMMISSIONER BLOSSMAN: Yes.

17 CHAIRMAN OWEN: Commissioner Dixon?

18 VICE CHAIRMAN DIXON: Yes.

19 CHAIRMAN OWEN: Commissioner Sittig?

20 COMMISSIONER SITTIG: Yes.

21 CHAIRMAN OWEN: Commissioner Field?

22 COMMISSIONER FIELD: No.

23 CHAIRMAN OWEN: Commissioner Owen, no. I would bet cab fare to Shreveport that this will

APPENDIX 4

GORDON, ARATA, MCCOLLAM & DUPLANTIS, L.L.P.

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August 19, 1997

Ref. 2744-19002

VIA FACSIMILE AND U. S. MAIL

Commissioner Don Owen
800 Spring Street
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Shreveport, LA 71101

Commissioner Jack "Jay" A. Blossman, Jr.
645 Lotus Drive, North
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Mandeville, LA 70471

Commissioner Irma Dixon
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Suite 210
New Orleans, LA 70122

Commissioner C. Dale Sittig
300 Bobcat Drive
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Commissioner James Field
One American Place, Suite 1510
Baton Rouge, LA 70825

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AUG 20 1997

LEGAL DEPT.
N.O. LA.

Re: U-22252--Louisiana Public Service Commission, Ex Parte, In Re:
Consideration and Review of BellSouth Telecommunications, Inc.'s
Preapplication Compliance with Section 271 of the Telecommunications
Act of 1996, including but not limited to the Fourteen Requirements set
forth in Section 271(C)(2)(B) in Order to Verify Compliance with
Section 271 and Provide a Recommendation to the Federal
Communications Commission regarding BellSouth Telecommunications,
Inc.'s Application to Provide interLATA services originating in-region.

Dear Commissioners:

Cox's motivation in this case through which BellSouth hopes to enter long
distance is to ensure that BellSouth has the procedures and elements in place that will allow

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Cox to interconnect with its network, place orders for unbundled elements, and accomplish other network functions (e.g., 911, directories, 557) through a reliable system that allows volume ordering and accountability. Cox's concerns are therefore inspired not by a desire to keep BellSouth from taking long distance market share, but to ensure that BellSouth offers the prerequisites to competition before that exclusive and powerful incentive is removed. Because these prerequisites are not firmly in place, that incentive is still needed.

On August 13, 1997 by Order of the Louisiana Public Service Commission ("LPSC" or "Commission"), a Technical Presentation/Hearing in the above referenced docket was held before the Commission. At the morning of the event, it was announced that the entire presentation would be included on the record in the matter. Cox Louisiana Fibernet, Inc. ("Cox"), an intervenor in the docket, was not allowed to make a presentation or follow up with respect to many of its questions of BellSouth submitted August 4, 1997. At the invitation of a Commissioner after the adjournment of the presentation, Cox submits this correspondence to assist the Commission in determining whether BellSouth's responses and/or technical presentation adequately addressed the concerns raised by Cox.

Specifically, pursuant to the Commission's Order of July 28, 1997, Cox submitted several questions prompted by OSS complications it has experienced with other Regional Bell Operating Companies. A number of these questioned concerned 911 databases.

It is absolutely critical that 911 emergency reporting system information be updated timely, with respect to all local exchange carriers. Cox has had problems with other RBOCs in updating 911 databases in a timely manner. In an emergency situation, the larger the gap between the need for a 911 update and entry into the system, the greater the threat to CLEC customers in emergency situations.

In an effort to determine if there are problems in the way CLECs place and update their customer's 911 information in BellSouth's 911 database, Cox asked the following questions:

How does a CLEC put new customer entries into BellSouth's 911 database?

What are the time frame commitments for CLEC entries into BellSouth's 911 database?

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Does this time commitment vary with the number of entries per order?

What constitutes an order?

How are multiple orders in the same day treated with respect to time frames for entry into the BellSouth 911 database?

Is each order given a separate time commitment or are all orders within a certain time frame treated as one order?

What kind of confirmation does the CLEC receive from BellSouth that the 911 entry has been received and put into BellSouth's database? On August 13, 1997, please demonstrate the confirmation process.

Is the time commitment for filing an order for one CLEC in one state affected by the actions of any other CLECs in the same state or in other states? What factors influence this time commitment?

What are BellSouth's internal commitments/standards for entry of its customers into the 911 database? What kind of internal confirmation process does BellSouth use to ensure that orders are entered correctly? Does a process such as this exist with CLEC entries? If not, why not? On August 13, 1997 please demonstrate the 911 entry and confirmation process as it applies to BellSouth.

Although these questions were timely filed, BellSouth's answers were not in all cases responsive, and were not addressed at the technical demonstration held on August 13th. In response, BellSouth stated that "CLECs will submit daily updates to the E911 database via mechanized file transfer." Additionally, BellSouth stated, "*When* mechanized file transfer is established for a CLEC, they are given a 'window' of time in which to transmit all records (regardless of the state) for the day in one or more files. . . . Any file(s) received before 6:00 p.m., EST will be processed in the database and the database updated that evening." These responses by BellSouth are unclear.

First, it appears from the response--"when mechanized transfer is established"--

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that mechanized file transfer of 911 information has not yet been established for CLECs. And, BellSouth did not demonstrate on August 13th how such a transfer would be accomplished in order to update a customer's 911 reporting information.

Second, BellSouth did not explain what it meant by a "window" of time for CLECs to transfer customer 911 information. Does "window" mean that CLECs have a limited time every day to transfer 911 information? How is the duration of the "window" determined? Will every CLEC be given the same amount of time for their respective "windows"? Will the "windows" of time for 911 updating be affected by how many CLECs operate in the BellSouth multi-state region? Will BellSouth subject itself to the identical "window of time" limitations with respect to transferring information to the 911 database? How will BellSouth self-determine what its window of time will be? Apparently, if a CLEC misses its "window" its customer's 911 information will not be updated that day, but instead will be delayed until the evening of the next day. Thus, if an emergency occurs in the "gap" of time between one "window" and another, updated 911 emergency reporting information for CLEC customers will simply not be available to 911 operators during an emergency that occurs therein. And, unfortunately, a person's ability to recall critical information--home address-- is at its worst when he or she has just moved to a new home and obtained a new address, necessitating the update in the first place.

Additionally, in order for the CLEC to assure itself that its customers have maximum 911 protection, it must receive immediate confirmation that the 911 information has been successfully entered into the system. In response to Cox's question, ""What kind of confirmation does the CLEC receive from BellSouth that the 911 entry has been received and put into BellSouth's database," BellSouth did not clearly state how successful entry into the database is confirmed. It stated, "If no errors are detected, a positive response will be sent via mechanized fax to the CLEC to confirm receipt of the file." CLECs must know not simply that the file has been received by BellSouth, but that the 911 information has been actually inputted into the system. BellSouth did not respond to Cox's question as to how BellSouth customer

911 information entry is confirmed. Therefore, there is absolutely no evidence of parity between how BellSouth versus CLEC customer 911 information is sent and/or updated.

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In addition to the questions regarding 911 emergency reporting systems, Cox asked several questions regarding number portability. Number portability is an issue that primarily affects facilities-based providers such as Cox intends to be in Louisiana. Customers must be able to "take their number with them" when they change providers from BellSouth to Cox. In response to Cox's inquiry regarding BellSouth's time frame commitment to provide interim number portability using remote call forwarding, BellSouth stated, "The standard interval for provisioning is 2 to 5 days, both for CLECs and for all other BellSouth customers." However, BellSouth customers simply do not need number portability in as many cases (both actually and proportionally) as do CLECs. Further, BellSouth's statement that both CLECs and BellSouth end users are operating with the same time frame ignores the fact that CLECs use remote call forwarding in providing basic local service, not an ancillary service offering, such as remote call forwarding for an end user. With BellSouth's standard intervals, a customer cannot change its local exchange carrier from BellSouth to Cox and keep his or her phone number without having to wait two to five days. With a time commitment as broad as this, it will be impossible for a CLEC to schedule new customer turn-ups.

In response to a question on mechanized systems, Bill Stacey on behalf of BellSouth at the technical presentation admitted that mechanized systems are not yet available for many features and functions and that they may never be if it is not in BellSouth's business interest.

The exact purpose of Section 271 is to ensure that all systems necessary for the development of competition are in place before BellSouth is given interLATA authority. If the Commission does not subject BellSouth's SGAT and compliance with the fourteen point checklist to the highest scrutiny now, there is no guaranty that these problems will ever be fixed. Consequently, if this Commission approves BellSouth's OSS as sufficient to actually bring competition to Louisiana now, but the significant defects discussed and demonstrated (and not discussed and demonstrated) at the August 13th presentation remain, new entrants such as Cox will be fighting BellSouth's "business interests" in fixing these problems and bringing competition to Louisiana. Of course, economically, after BellSouth has interLATA authority, it will have absolutely no "business interest" to help its competitors by fixing these problems expeditiously.

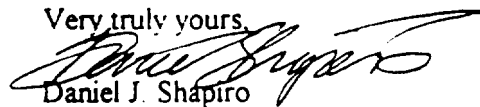
BellSouth's response to the need of CLECs for economically motivated cooperation to fix OSS problems, has been that CLECs can always complain and seek redress under federal law. In essence, BellSouth asks this Commission to ignore its OSS problems and put the burden of dealing with them on CLECs. However, BellSouth has the burden of establishing that it has earned interLATA authority under the Telecommunications Act of 1996. It is unreasonable to suggest that CLECs be required to sue to fix OSS problems necessary for the

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healthy development of competition in Louisiana's telecommunications market. Because BellSouth's OSS is currently not sufficient to ensure the healthy development of local exchange competition, BellSouth's run for long distance authority should stop here, in Louisiana.

Thanking you for your time and consideration, I remain

Very truly yours,



Daniel J. Shapiro

cc: Administrative Law Judge Valerie Meiners
Susan Cowart
Jill Butler
Martin Landrieu
Service List

APPENDIX 5

1 and the staff for their handling of these very complex, competitive dockets. There have been
2 hundreds of staff hours that have gone into these issues. In some instances, for example,
3 operating systems. The Commission has first-hand knowledge that is different from the ALJ's;
4 however, there are a number of suggestions in the ALJ's reports that have a good deal of merit
5 and which I believe should be dealt with by this Commission. Thank you.

6 CHAIRMAN OWEN: All right. Commissioner Field.

7 COMMISSIONER FIELD: Thank you, Chairman Owen. I too am very much aware of the
8 consumer's interest in this matter, and I just want to remind the Commission that the local
9 telephone exchange business approximates \$900 million a year in this state and that is a concern
10 too as well as the long distance where we do have competition now. I have a motion that I'd like
11 to make which I think procedurally sets the groundwork for the FCC to eventually approve
12 BellSouth going into in region long distance service. I think it showed due deliberations on the
13 part of this Commission. I think it's a motion that BellSouth apparently accommodated in a
14 similar matter the Georgia Commission and, without further ado -- and I will say this, if this
15 motion was granted and the SGAT was approved at our October 22 meeting and BellSouth filed
16 on November 1st and the FCC approved, they could be offering long distance service
17 approximately April 1st, 1998. My motion is that pursuant to Section 252(f) of the
18 Telecommunications Act of 1996 I move that BellSouth grant the Commission an additional 60
19 days or until the regularly scheduled October 22, 1997 Open Session, whichever is later, in which
20 to approve, reject or allow BellSouth's SGAT to become effective. This would allow the cost
21 studies to be completed by this Commission so that it will not be a piece meal situation.

22 Secondly, given the FCC's recent order in AmeriTec 271 filing, an order which purports to

23 provide the RBOC's and the state commissions with a road map as to the showings RBOC's must